UNITED STATES DISTRICT COUR	RT
SOUTHERN DISTRICT OF NEW Y	ORK

	)
ADREA, LLC,	)
Plaintiff,	
- against -	) ECF Case
BARNES & NOBLE, INC., BARNESANDNOBLE.COM LLC, and NOOK MEDIA LLC,	) 13-CV-4137 (JSR) d )
Defendar	nts. )
	)

## DECLARATION OF YUE-HAN CHOW IN OPPOSITION TO PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT

- I, Yue-Han Chow, declare under penalty of perjury as follows:
- 1. I am a member of the Bar of the State of New York and an associate at the law firm of Arnold & Porter LLP, attorneys for Defendants and Counterclaim-Plaintiffs Barnes & Noble, Inc., barnesandnoble.com llc, and NOOK Media LLC (collectively, "Defendants" or "B&N").
- 2. I make this Declaration in Opposition to Plaintiff's Motion for Partial Summary Judgment. For ease and avoidance of confusion, B&N continues its exhibit numbering from the last exhibit in the Declaration of Yue-Han Chow in Support of Defendant's Motion for Summary Judgment filed on January 31, 2014.
- 3. Attached hereto as Exhibit KKKK, under seal pursuant to Protective Order, is a true and correct copy of excerpts from the deposition transcript of Sudeep Narain, taken on November 8, 2013

- 4. Attached hereto as Exhibit LLLL, under seal pursuant to Protective Order, is a true and correct copy of excerpts from the deposition transcript of Brian Berg, taken on January 17, 2014.
- 5. Attached hereto as Exhibit MMMM, under seal pursuant to Protective Order, is a true and correct copy of excerpts from the deposition transcript of Deepak Mulchandani, taken on October 14, 2013.
- 6. Attached hereto as Exhibit NNNN, under seal pursuant to Protective Order, is a true and correct copy of excerpts from the deposition transcript of B. Clifford Neuman, taken on January 24, 2014.
- 7. Attached hereto as Exhibit OOOO is a true and correct copy of the US Patent No. 4,899,299 (MacPhail), dated February 6, 1990, labeled BN-ADREA045272-281.
- 8. Attached hereto as Exhibit PPPP is a true and correct copy of excerpts from the deposition transcript of B. Clifford Neuman, taken on January 23, 2014.
- 9. Attached hereto as Exhibit QQQQ is a true and correct copy of the Reply to Office Action of December 5, 2006, regarding the application that led to US Patent 7,620,703, labeled ADREA0059267-278.
- 10. Attached hereto as Exhibit RRRR is a true and correct copy of excerpts from the deposition transcript of Dr. Xin Wang, taken January 21, 2014.
- 11. Attached hereto as Exhibit SSSS is a true and correct copy of US Patent No. 6,037,928 (Nachinson), dated March 14, 2000, labeled BN-ADREA043020-036.
- 12. Attached hereto as Exhibit TTTT is a true and correct copy of an invalidity chart for US Patent 4,899,299 (MacPhail).

- 13. Attached hereto as Exhibit UUUU is a true and correct copy of US Patent No. 6,002,403 (Sugiyama), dated December 14, 1999.
- 14. Attached hereto as Exhibit VVVV is a true and correct copy of Amendment filed June 3, 2009, regarding the application that led to US Patent No. 7,620,703, labeled ADREA0059381-387.
- 15. Attached hereto as Exhibit WWWW is a true and correct copy of excerpts from the Hearing transcript, dated November 1, 2013.
- 16. Attached hereto as Exhibit XXXX is a true and correct copy of excerpts from Adrea's Claim Construction Presentation, dated October 10, 2013.
- 17. Attached hereto as Exhibit YYYY, under seal pursuant to Protective Order, is a true and correct copy of excerpts from the deposition transcript of John Hendricks, taken on November 5, 2013.
- 18. Attached hereto as Exhibit ZZZZ is a true and correct copy of the Notice of Allowance and Notice for Allowability for US Patent No. 7,620,703, mailed on July 9, 2009, labeled ADREA0059399-402.
- 19. Attached hereto as Exhibit A5 is a true and correct copy of the Information Disclosure Statement by Applicant for US Patent No. 7,299,501, dated September 28, 2006, labeled ADREA0058732-759.
- Allowance and an Attachment for US Patent No. 7,299,501, dated November 20, 2006, labeled ADREA0058783-789.
- 21. Attached hereto as Exhibit C5 is a true and correct copy of the letter from Y. Chow to M. Miller dated November 1, 2013, enclosing Source Code production.

22. Attached hereto as Exhibit D5 is a true and correct copy of an excerpt of Exhibit SS-2, which was attached to the Expert Report of Brian A. Berg Regarding Infringement of U.S. Patent Nos. 7,298,851, 7,299,501 and 7,620,703.

Dated: February 14, 2014

Arnold & Porter LLP

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## **CERTIFICATE OF SERVICE**

I, hereby certify that on February 14, 2014, copies of the Supplemental Declaration of Yue-Han Chow in Opposition to Plaintiff's Motion for Partial Summary Judgment with exhibits were caused to be served upon the following via email and FTP:

Kenneth Rubenstein, Esq. Baldassare Vinti, Esq. PROSKAUER ROSE LLP 11 Times Square New York, NY 10036

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Yue-Han Chow